

REMARKS

Claims 2-6, 8, 23, 24, 28, 29, 32, 33, 36-40, 42-63, 65-75, 77-84, 87-92, and 131 have been pending in the Application, of which claims 2-6, 8, 23, 24, 28, 33, 36-40, 42-51, 53, 54, 56-59, 61-63, 65, 66, 68-71, 73-75, 83, 84, 87, 89-92, and 131 have been rejected. Claims 52, 55, 60, 67, and 72 have been objected to. Claims 29, 77-82, and 88 have been allowed. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) and objection(s) in view of the amendments and remarks contained herein.

Claims 2 and 3 were cancelled.

Claims 52, 55, 60, 67, and 72 were rewritten in independent form and include all of the features of their respective base claim and any intervening claims. Claims 52, 55, 60, 67, and 72 are therefore, allowable.

Claims 4, 23, 28, 32, 39, 47, 49, 53, 65, 83, and 87 were amended.

New claims 132 and 133 are original claims 2 and 3, respectively.

Rejection under 35 U.S.C. §103

Claims 2-6, 8, 23, 24, 28, 32, 33, 36, 38-40, 42-44, 47, 49, 53, 54, 58, 61-63, 65, 66, 70, 83, 87, 89, 91, 92 and 131 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Varelis et al. (U.S. Patent No. 5,033,474). Those rejections are respectfully traversed.

The claimed invention describes an apparatus for supporting couplers comprising a support member configured to rest on a body of a recipient. The support member includes first and second coupler portions which removably carry first and second couplers (stimulation electrodes), respectively. The support member aids in the accurate placement of the couplers, which enhances the efficacy of a prescribed treatment (see the specification, pae 24, paragraphs 1-2).

No where does Varelis et al. disclose or suggest the use of a support member as disclosed in the claimed invention. This is a novel and unobvious difference between Varelis et al. and Applicants' claimed invention. Claims 4, 23, 28, 32, 39, 47, 49, 53, 65, 83, and 87 were amended to reflect that unique feature. No new matter was added. As such, Applicants respectfully submit that present independent claims 4, 23, 28, 32, 39, 47, 49, 53, 65, 83, and 87, and dependent claims 5, 6, 8, 24, 33, 36, 38, 40, 42-44, 54, 58, 61-63, 66, 70, 89, 91, 92 and 131, are not anticipated by Varelis et al. under 35 U.S.C. §102.

Claim 84 was rejected under 35 U.S.C. §102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. §103(a) as allegedly obvious over Varelis et al. This rejection is respectfully traversed.

Claim 84 discloses a care unit that includes a source of electrical current. The source of electrical current is designed to produce electrical stimulation to the couplers. A laptop computer, as described in Varelis et al., would not be able to produce stimulation to the couplers. Therefore, that is another novel and unobvious difference between Varelis et al. and the claimed invention. Claim 84 was amended to better emphasize that the source of electrical current is used for stimulation of the couplers. No new matter was added. Varelis et al. does not disclose, teach or suggest the aforementioned feature. As such, Applicants respectfully submit that present claim 84 is not anticipated or rendered obvious by Varelis et al. under 35 U.S.C. §§102 and 103.

Claims 37, 45, 46, 48, 50, 51, 56, 57, 59, 68, 69, 71, 73-75, 83, and 90 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Varelis et al. (previous cite). Those rejections are respectfully traversed.

Applicants submit that the invention disclosed in Varelis et al. is limited to monitoring of physiologic activity or as defined in the specification “clinical parameters.” Varelis et al. states in column 1, lines 43-47 “for purposes of this application, clinical parameters include physiological parameters, (such as vital signs like ECG, blood pressure, temperature, and weight), medication compliance and volunteered patient replies.” Applicants further submit, that in the claimed invention, “monitoring” is referring to the monitoring of the stimulation treatment parameters of the couplers, i.e., making sure that the couplers are supplying the prescribed output within the proposed guidelines. That is a novel and unobvious difference between Varelis et al. and the claimed invention. No amendments were made to the rejected claims. Varelis et al. does not disclose, teach or suggest the monitoring of the stimulation treatment parameters as disclosed in the claimed invention. As such, Applicants respectfully submit that present claims 37, 45, 46, 48, 50, 51, 56, 57, 59, 68, 69, 71, 73-75, 83 and 90 are not rendered obvious by Varelis et al. under 35 U.S.C. §103.

Therefore, rejected claims 4-6, 8, 23, 24, 28, 29, 32, 33, 36-40, 42-63, 65-75, 77-84, 87-92, and 131 are in condition for allowance.

Applicants reference the allowance of claims 29, 77-82, and 88.

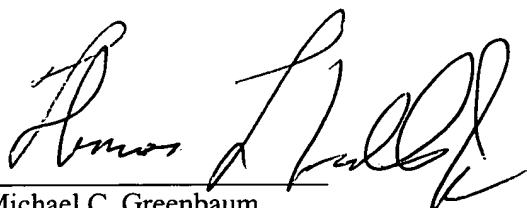
New claims 132-133 are original claims 2-3, now deleted. Therefore, new claims 132-133 also should be allowed.

CONCLUSION

It is believed that all the stated grounds of objections and rejections have been properly traversed or accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections and objections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present Application is in condition for allowance. Thus, prompt and favorable consideration of this Amendment is respectfully requested.

If any fees under 37 C.F.R. §§1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account Number 23-2185 (000309-00212).

Respectfully Submitted,

By:  53,778
Michael C. Greenbaum
Attorney for Applicants
Reg. No. 28,419

BLANK ROME, LLP
The Watergate
600 New Hampshire Avenue, N.W.
Washington, D.C. 20037
Telephone: (202) 772-5836
Facsimile: (202) 572-1436

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